

Notice of Allowability

Application No.

09/448,722

Examiner

James A. Reagan

Applicant(s)

SUNSTEIN ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the reply filed on 01 August 2005.
2. ☒ The allowed claim(s) is/are 1-50.
3. ☒ The drawings filed on 24 November 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Status of Claims

1. This action is in response to the reply filed on 01 August 2005.
2. Claims 1-50 are currently pending and have been examined.

Allowable Subject Matter

3. Claims 1-50 are allowed. See Reasons for Allowance under separate heading.

Reasons For Allowance

4. The following is an Examiner's statement of reasons for allowance:

None of the art of record, taken individually or combination, disclose at least the steps of:

- a. obtaining, from each user with respect to whom data is to be placed in the data base, personal information of such user, the content of such personal information initially established by such user in an enrollment phase.*
- b. also obtaining, from each such user, a first set of physiological identifiers associated with such user, the first set of physiological identifiers initially provided by such user in the enrollment phase;*
- c. storing, in a digital storage medium, a data set pertinent to such user, the data set including such user's personal information and a representation of the physiological identifiers associated with such user; and*
- d. permitting a subject claiming to be a specified user to modify the specified user's personal information in the stored data set pertinent to such user only if (i) the subject provides a new set of physiological identifiers and (ii) it is determined,*

by recourse to the stored data set, that there is a sufficient match between at least one member in the new set and a corresponding member of the first set, so that the subject is authenticated as the specified user, so that there is established a repository of personal information using physiological identifiers to protect against unauthorized modification.

More specifically, the prior art of record fails to disclose repository of personal information using physiological identifiers to protect against unauthorized modification in accordance with the claims, personal information of a user and a first set of physiological identifiers associated with the user are obtained during an enrollment phase. A data set including the personal information and the set of physiological identifiers is stored in a digital storage medium. A subject claiming to be the user is permitted to modify the user's personal information only if the subject provides a new set of physiological identifiers and it is determined, by recourse to the stored data set, that there is a sufficient match between at least one member in the new set and a corresponding member of the first set so that the subject is authenticated as the user. Users store their personal information in the repository, and the personal information is protected from unauthorized modification using physiological identifiers.

Independent claims 1, 17, 29, 30, 31, 36, and 39 are distinguished over the closest prior art of Pare (US 6,154,879 A), which teaches, "The present invention provides a method for tokenless biometric access to financial accounts at an institution using an automated teller machine. This method comprises a user registration step, wherein a user registers with an electronic identicator one or more registration biometric samples and one or more user financial accounts. During an initiation step, the user initiates an account access at an automated teller machine by submitting at least one bid biometric sample directly from the user's person, wherein no portable man-made memory devices such as smartcards or swipe cards are used by the user. In at least one transmission step, an account access request message comprising the user's bid biometric is forwarded from the automated teller machine to the electronic identicator. During a user identification step, the electronic identicator compares the bid biometric sample in the

account access request message with a registration biometric sample, to produce either a successful or failed identification of the user. Upon successful identification of the user, at least one financial account of the user is retrieved, and in an access step, after successful identification of the user and successful financial account retrieval, the user is allowed to access the user financial account" (abstract). However, Pare fails to explicitly show *permitting a subject claiming to be a specified user to modify the specified user's personal information in the stored data set pertinent to such user only if (i) the subject provides a new set of physiological identifiers and (ii) it is determined, by recourse to the stored data set, that there is a sufficient match between at least one member in the new set and a corresponding member of the first set, so that the subject is authenticated as the specified user, so that there is established a repository of personal information using physiological identifiers to protect against unauthorized modification.*

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - Corwin, Philip S. Notaries in Cyberspace: A New Role for Banks (American Banker, p4 Feb 10, 1998 ISSN: 0002-7561) discloses a registration system of personal information including biometric data.
 - Cobian (EP 703,094 A1) discloses security processes and products are based on coded topological and/or biometric information.

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

*Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).*

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 [Official communications, After Final communications labeled "Box AF"]

571-273-8300 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

JAR

22 August 2005


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER